

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN DALE MAHLUM**, on February 12, 2003 at 9 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Kelly Gebhardt (R)
Sen. Ken (Kim) Hansen (D)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)
Sen. Carolyn Squires (D)

Members Excused: Sen. Bob Keenan (R)
Sen. Sam Kitzenberg (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Sherrie Handel, Committee Secretary
Eddy McClure, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 282, 1/27/2003; SB 275,
1/29/2003
Executive Action: SB 334; SB 198

{Tape: 1; Side: A}

HEARING ON SB 282

Sponsor: SENATOR CAROLYN SQUIRES, SD 34, MISSOULA

Proponents: Jerry Driscoll, AFL/CIO; Gene Fenderson, Montana Progressive Labor Caucus; Dick Martin, attorney from Great Falls; Rick Pyfer, workers comp attorney; Amber Stewart, Certified Nurses Assistant; Karen Guffie, Nurses Assistant; Don Judge, Teamsters Local 190; Bob Pavlovich, IBEW Local 233; Al Smith, Montana Trial Lawyers Association

Opponents: George Wood, Montana Self-Insured Fund; Webb Brown, Montana Chamber of Commerce, Bob Worthington, Montana Municipal Insurance Authority; Riley Johnson, National Federation of Independent Businesses; Barry "Spook" Stang, Montana Motor Carriers

Informational Witnesses:

Nancy Butler, Montana State Fund
Jerry Keck, Department of Labor and Industry

Opening Statement by Sponsor:

SENATOR CAROLYN SQUIRES, SD 34, MISSOULA, explained that she was with the legislature in 1987 and served in the Montana House of Representatives. While she's new to the Senate, she is not new to the legislature. Her belief was that work comp was a contract between the employer and employee and, over a period of time, that contract was breached. One of the former governors did not raise the rates appropriately; therefore, in 1987, 1989 and so on, the state found itself in a tremendous amount of difficulty with the work comp situation. With premiums not covering the cost, the result was a decline in benefits to injured workers.

SEN. SQUIRES stated she did not vote for the fund liability tax. She referred to the fact that carpal tunnel syndrome has been put into another category as an occupational illness rather than a disease which causes another decrease in benefits to employees. She felt SB 282 was about fairness. Currently, workers who are injured on the job do not receive compensation until they have been off the job due to their injury for at least five days and then they only get benefits from the sixth day. SB 282 says that if the worker is injured severely enough that they are out of work for six or more days, then they should get compensation benefits for the first five days they were off work. Workers currently are being penalized for the first week they are out of

work due to an injury. It simply isn't fair that workers who are severely injured should not be given the compensation for the time they are out due to the work injury. For many of these workers, that couple of hundred dollars that is based on their salary makes a world of difference. It could be a car payment; it could be a utility bill; or it could be part of a health insurance premium. In **SEN. SQUIRES'** current job, she said she deals with dislocated workers who have lost their jobs due to no fault of their own. In helping them re-establish their lives, she found that people, through no fault of their own, may live beyond their means. She reserved the right to close.

Proponents' Testimony:

Jerry Driscoll, AFL/CIO, discussed previous worker comp benefit changes since 1985. He, too, believed it is an issue of fairness.

Gene Fenderson, Montana Progressive Labor Caucus, stood in support of SB282. He believed it is one of the most important bills to come before the legislative body this year as far as workers are concerned. **Mr. Fenderson** shared the story of his friend who had his legs crushed while working near the capitol. He felt to not pay an injured worker for those first days in unfair. He also discussed the golden parachute and people flying out of Helena in first class. He asked the committee to pass this bill.

Dick Martin, attorney from Great Falls, stated he primarily represents workers comp claimants and has done so since 1987. He said this bill represents a small move back toward the workers. By the time workers wait for the first week and then the checks are processed, it is nearly a month before they receive any compensation at all. It was his argument that the insurer should be carrying the risk of workers compensation, not the employer by direct payments of sick leave and not the employee.

Rick Pyfer, workers comp insurance attorney, said his main practice is not in work comp, but he does practice in that area. He shared with the committee that a lot of his work is done pro bono because there just isn't any money in it for him. People call him just wanting to know how to work their way through the system because of what the law did in 1987 was in a big way to take the attorneys out of practice of workers comp. However, these people need guidance, and so he ends up taking calls just to give them that help. He discussed several cases in which he was involved, particularly **Amber Stewart**.

Amber Stewart, a single mother of four, said she worked at the Rocky Mountain Care Center as a certified nurses assistant. She was injured on the job, hurting her left knee in December of 2001. She had knee surgery in February of 2002. She was living paycheck to paycheck and not receiving that first week of pay after her injury caused her great difficulty. She hoped the committee would pass the bill.

Karen Guffie was employed by the State of Montana in a nurses aid position working with disabled adults when she was injured. Her injury was well documented and she has three or four ruptured disks in her neck. She stated that losing the first week of pay and then only receiving about 2/3 of her normal salary was hard for her. She ended up having to borrow money to please her creditors, which drove her deeper into debt. It took her nearly nine months to pay back the money that she borrowed after she got back to work.

Don Judge, Teamsters Local 190, quoted some statistics about the State Fund and the \$28M per year they say they are getting on their investment income. He said \$14M of it goes to pay off claims and asked where the other \$14M goes. It goes back to the policy holders in the form of rebates or dividends. He referred to employee bonuses and substantial salaries at State Fund. **Mr. Judge** felt there was sufficient money to pay for this benefit proposed by **SEN. SQUIRES**.

Bob Pavlovich, IBEW Local 233, thanked **SEN. SQUIRES** for presenting SB 282 and said injured workers are entitled to this money.

Al Smith, Montana Trial Lawyers Association, said this is an issue we hear about a lot both from claimants and from claims attorneys. He said this proposed two percent increase would mean a lot to workers. Losing that first week of pay is losing 25 percent of a month's income. It is the house payment, rent, car payment, or utilities.

{Tape: 1; Side: B}

Mr. Smith stated this is about fairness. It's a little bit for the State Fund, but it's a lot for the workers.

Opponents' Testimony:

George Wood, Montana Self-Insured Fund, discussed the last statistics he had from the State Fund showed they had about 92,000 employees and their payroll ran over \$2B. He referred to the fact that previously mentioned testimony talked about injured

workers receiving only 2/3 of their pay; however, he reminded the committee that worker comp is not taxable. He recommended a do not pass vote on the bill.

Webb Brown, Montana Chamber of Commerce, rose in opposition to the bill. He reminded the committee that it would increase what the employers have to pay.

Bob Worthington, Montana Municipal Insurance Authority, mentioned that there are a significant number of bills introduced into the legislature. He asked the committee to keep that in mind, because every increase in benefits to employees would be an increase on payroll taxes. His organization has already completed their actuary report, and medical costs have gone up significantly within their program. They are seeing an approximate 7.5 percent increase in the cost of their program next year just for medical increase in possible claims. Legislative bills would be in addition to that increase, and those premiums are paid by the payroll taxes.

Riley Johnson, National Federation of Independent Businesses, agreed with all that had been said and opposed the bill because of the increases already coming down the road without the increases this bill would cause.

Barry "Spook" Stang, Montana Motor Carriers, expressed his concern that more increases would cause the very mobile trucking industry to move more companies out of Montana. He said the bottom margin of many of these trucking companies is only one to two percent. If they didn't move out of state, they would have to increase their freight charges for shipping in the state. He pointed out that the consumer would pay for this increase in the end.

Informational Witness Testimony:

Nancy Butler, Montana State Fund, explained the National Council on Compensation Insurance is the organization that sets the workers compensation rates for the private insurance companies in Montana. State Fund predominately uses those rates. The Council estimated an overall impact of this bill of one to two percent overall, which would be \$1.8M to \$3.6M for the system and approximately half of that for State Fund. She clarified one point for the committee regarding a statement by **Mr. Judge**, who mentioned that State Fund had extra money that would solve this problem without any kind of rate increase. State Fund sets rates like other insurance companies. Next July, they will be looking at the claims incurred in that year and what the estimated costs are for State Fund up to 20 or 30 years down the road. That's

why insurance companies need surplus to insure their solvency, because you can't always guess what those claims are going to cost. Montana State Fund is no different. The law requires that we have adequate reserves and appropriate levels of surplus to protect the solvency of the State Fund.

Jerry Keck, Employee Relations Division, Department of Labor and Industry, shared that they participated in a study last legislative session that worked to keep the benefits and stated he was present to explain how they work. He distributed a handout, **EXHIBIT (bus31a01)**, on temporary total disability benefits.

Questions from Committee Members and Responses:

SEN. VICKI COCCHIARELLA asked **Dick Martin** to tell the committee how long it is before a claimant receives his first comp check. He answered it takes about a month for the first check to arrive. The claim gets filed, and the insurer has 30 days to review the claim. They are usually a little more prompt than the allotted time they have available. If they make a decision to accept the claim, then it has to go through processing. By the time it gets processed, the first check wouldn't even begin to process until the first week of the waiting period, plus two more weeks of being off work, which is now three weeks, then the check has to be processed through the mail, so it takes at least a month.

SEN. MIKE SPRAGUE inquired of **Jerry Keck**, who referred the question to **Nancy Butler** about the chart and how those states are doing with regard to the work comp claims.

CHAIRMAN DALE MAHLUM directed his question to **Nancy Butler**. He wanted to know if the 30-day time for a claimant to receive their first check could be sped up a little. She replied the standard in the law states it is processed after two weeks, so that would be the needed change.

To **SEN. GLENN ROUSH'S** question regarding how many employers offer sick leave, **Ms. Butler** did not have those statistics.

Don Judge was asked by **SEN. SHERM ANDERSON** for a point of clarification on **Mr. Judge's** statement about not raising premiums yet he turned right around and said the companies should stop giving back dividends. **SEN. ANDERSON's** question, then was if **Mr. Judge** would equate dividends to premiums. **Mr. Judge** replied that rather than giving back dividends, he was suggesting instead of State Fund giving back money to employers as they presently do, they use those dollars to pay claims.

{Tape: 2; Side: A}

Mr. Judge continued on by saying if you don't give the dividend, it doesn't mean you are increasing the premiums. It means you are using some of that investment dollar to pay for the benefit costs of what that money was invested for in the first place, which was to take care of the needs of injured workers.

SEN. KEN HANSEN observed that \$32,829 claims were reported. He asked **Mr. Keck** if that amount was up or down from previous years and if any of it included fraudulent claims. **Mr. Keck** answered that amount was an average over the past five years. There is no process where they actively track fraudulent claims. **Ms. Butler** said that, on the average, what State Fund has detected in fraud each year is fairly steady.

Jerry Driscoll was asked by **SEN. COCCHIARELLA** to enlighten the committee on what benefits have been cut since 1987. He stated it's six days and they used to get \$500 per week so partial is now \$350. **Mr. Driscoll** discussed the history since 1987.

SEN. ANDERSON asked **Ms. Butler** what kind of factor would the increase in health costs play in the upcoming year. **Ms. Butler** answered that what she has heard nationwide is that from earlier legislation in regard to managed care, other types of medical programs that the insurers have seemed to have booked the benefits from those programs as far as savings, so she didn't think they would see much more impact. She said it wouldn't be at all surprising to see a several percentage points increase just due to other factors going on in insurance outside of any legislation coming up double digit with several percentage points, perhaps five to six and a half. **SEN. ANDERSON** gave **Ms. Butler** a hypothetical situation with regard to fraud and asked for her response to it. She said his example is one of the things that happens wherein an employee reports his injury as an on-the-job injury or they might see someone who is still receiving temporary total benefits from workers comp but is actually working at the same time.

Closing by Sponsor:

SEN. SQUIRES stood before the committee and reiterated that the most valuable asset that an employer has is his employees. She said she was there to speak for those who can't speak for themselves. The State Fund is a non-profit organization, and dividends should not be provided back to the group in that way. Those dollars should be spent on the worker. **SEN. SQUIRES** mentioned at one time there was a 15 percent cap on the administration costs for State Fund, but it is now at 31 or 32

percent. She also pointed out that injured workers don't always look injured.

HEARING ON SB 275

Sponsor: SENATOR RICK LAIBLE, SD 30, VICTOR

Proponents: Michael Moore, Missoula attorney; Jeff Cope, Montana Collectors Association; Kevin Mosier, Centron Services of Helena; Kelly Paulsen, owner of a collection agency; Bob Pyfer, Montana Credit Union Network

Opponents: None

Informational Witnesses:
 Russell Cater, Department of Public Health and Human Services; Richard Rowe, State of Montana Levying Officer; Russ Hyatt, Department of Revenue

Opening Statement by Sponsor:

SEN. RICK LAIBLE, SD 30, VICTOR, said SB 275 is a good bill. He stated Sections 1, 5, 7, and 8 clarify that the court can assign fees, penalties, and fines and apply them into the collection, which is already authorized; however, the fee for the private entity service is added onto the fine. This allows the court to recover those costs without having to absorb them. In Sections 2 and 3 are additions to HB 496 from the last legislative session. Section 4 establishes that the employer must remit garnishment funds to the sheriff or levying officer. **SEN. LAIBLE** distributed an amendment, **EXHIBIT (bus31a02)** (SB027501.aem), to the bill and went on to explain it.

{Tape: 2; Side: B}

Proponents' Testimony:

Michael Moore, attorney from Missoula, thanked **SEN. LAIBLE** for sponsoring the bill. He addressed Section 4, which will clarify that an employer must, in a timely fashion, remit garnished funds to the sheriff or levying officer. That, he said, is an important section to those who have to recover a judgment. In 1999, the legislature addressed the constitutionality of both the judgment levy statutes that were on the books at that time. In a 1998 Supreme Court case, the Montana Supreme Court found the statute unconstitutional. He served as a member of the Ad Hoc

Committee, which included members from the Attorney's General's Office, the Child Support Division, sheriffs and peace officers and numerous other organizations with one common goal, which was to insure that legislation passed that would meet due process requirements outlined in the Supreme Court case. A new Section 2513-211 was enacted as part of that bill. When funds are held, and if they are held up to 120 days, that clearly conflicts with what the legislation was meant to address. The idea is that the employee whose due process rights they are trying to protect receives timely notice. He said they simply wanted to mandate that, as an employer, you provide the funds to the sheriff or levying officer so that person can fulfill their statutory requirements for repayment. **Mr. Moore** then touched on Montana's bad check statute. He pointed out that the issue he was talking about does not affect the ability of the creditor to waive a claim for service charge. That provision is already in the statute. It allows the party who took the bad check to ask for no more than the check, if that's their desire. What was being clarified was that when the creditor or its assignee has sent notice to the bad check writer and has been contacted and has been willing to take payment arrangements, they could do so. If the person who wrote the bad check fails these payment arrangements, the creditor has not waived his right to pursue recovery through the courts. He went on to address the issue of levies on assistance to needy persons. These levies are not taking money from the needy person. The money is income to a service provider. They simply want those service providers to be treated like any other service provider who may be a judgment debtor. Their income is subject to levy and when that money is going to them as income, he wants to be able to attach it.

Jeff Cope, Montana Collectors Association, rose in support of the bill.

Kevin Mosier, Centron Services of Helena, appeared in support of SB 275.

Kelly Paulson, small business owner in Missoula, also asked to show his support of the bill.

Bob Pyfer, Montana Credit Union Network, said he reviewed the bill and found it does some very good things. He urged the committee's support of the bill.

Opponents' Testimony: None

Informational Witness Testimony:

Russell Cater, Department of Public Health and Human Services, offered any information the committee might have. He also voiced concern with Section 9 of the bill. He distributed amendments he had prepared for the bill, **EXHIBIT (bus31a03)** as well as a gray bill, **EXHIBIT (bus31a04)**.

Richard Rowe, State of Montana Levying Officer, stood ready to answer any questions the committee might have.

Russ Hyatt, Department of Revenue, Accounts Receivable and Collections, also offered any needed information.

Questions from Committee Members and Responses:

SEN. SHERM ANDERSON expressed his confusion about Section 9 and asked **SEN. LAIBLE** to explain it in layman terms. **SEN. LAIBLE** gave an example of an individual who has a day care operation and their clients are people who are on assistance. They get direct payment for that, but they, as a business, have a judgment against them from the court. What this bill says is that their money can be attached for payment. It has nothing to do with the person who is the beneficiary of the payments. This would be the third party and would be no different than if the money went to the individual having assistance and they wrote a check to the day care for services. Those funds could be attached. He clarified that just because a third party receives funding from the Department of Human Services, they are not exempt from those laws. If they have court fees or assessments, they are still liable for them. They can't go to the courts and say that all of this money comes from welfare, so you can receive any of it.

SEN. ANDERSON then asked **SEN. LAIBLE** if the debt itself was incurred by the day care, who said that would be the example. The debt would be incurred by the day care. If they have a judgment against them within the court, then those funds that they receive from the Department of Health and Human Services could be attached.

SEN. VICKI COCCHIARELLA asked to have that same question answered by some in the industry. **Mr. Moore** explained that either the day care as a business entity or the day care provider as an individual has had a judgment entered against them. The day care provider is the judgment debtor. Some of the income the day care provider receives is from the mother on welfare whose child the day care person provides daily care. The money that mother pays the day care provider can be levied to pay for a judgment against the day care provider. In essence, it's almost like a payroll levy.

SEN. DON RYAN thought they were dealing with other issues and one of them is that if the City Municipal Court in Great Falls grants an \$800 judgement and that person isn't paid, this bill would allow the city to contract with the collection agency for collection. **Mr. Moore** said he was correct. The fees can be set on a percentage basis. Currently, they can also be set at a flat rate of \$25 or \$50 per account.

{Tape: 3; Side: A}

SEN. MIKE SPRAGUE questioned **SEN. LAIBLE** as to why this bill was in the Business and Labor Committee. He replied it's because it is about people owing money and not paying that money and he thought this committee was one of the few committees within the legislature that could pull all components of the bill together.

SEN. LAIBLE was told by **SEN. KELLY GEBHARDT** that the requirement was in the bill for whoever withholds and pays the judgment, but he didn't have a mechanism in there for that employer to be reimbursed for doing that on child support payments that go to the courts. **SEN. LAIBLE** replied he didn't know if there was anything in the statute that would address that issue. In the loan business, he has had some garnishments. It is just part of the cost of doing business, but you are always allowed to charge an administrative fee. **SEN. GEBHARDT** expressed his view that, as he listened to testimony, that just because someone is on welfare, they don't have to pay a fine. He thought everyone should have to pay their fines. He didn't care if they are on welfare or had a million dollars in their hip pocket. **SEN. LAIBLE** explained that was not what this bill was saying. What it said is that someone who is a third person or third party to an arrangement, not the person receiving assistance, the only ones receiving the payment for that assistance.

SEN. GEBHARDT then referred his question to **Mr. Cater**, who gave an example that federal law indicates that if you are an employee, people can sue you and they can go after your wages, but there would be a certain minimum amount that is protected. In other words, he guessed the law was saying that there are certain minimum amounts that they want to leave with you so you can provide the basic necessities for you and your family. The same thing applies for those on assistant. He reiterated he was not saying the person on public assistance should not have to pay their debts. He was saying to keep that debt in place, but take it from something else that the person has, not the cash assistance provided for them.

SEN. ANDERSON confirmed with **Mr. Cater** that a recipient of assistance cannot be garnished. **Mr. Cater** answered they cannot

be garnished for levy only with respect to money that our department pays to them. If they have a job or if they have any other monies, those are subject to garnishment.

SEN. ANDERSON addressed the confusing wording in the bill and asked **SEN. LAIBLE** if he had any difficulty with working on rewording it, which **SEN. LAIBLE** found acceptable.

{Tape: 3; Side: B}

Closing by Sponsor:

SEN. LAIBLE thought that on the issue of those people receiving assistance, either with the language in the bill now or with the assistance of **Mr. Cater's** proposed amendment, the question is who should pay the collection fee. Should the collection fee be paid by the county or the courts trying to get a judgment or should they be paid by the debtor, the one who owes the money? He asked for the committee's favorable vote on the bill.

HEARING ON SB 306

Sponsor: SENATOR DON RYAN, SD 22, GREAT FALLS

Proponents: James Bandy, Assistant Athletic Director for Compliance, University of Montana

Opponents: None

Informational Witnesses:
Mark Cadwallader, Department of Labor

Opening Statement by Sponsor:

SEN. DON RYAN, SD 22, GREAT FALLS, brought SB 306, an act creating a Uniform Athlete Agents Act. What this does is put into place a registry whereby people who wish to act with athlete agents in the state of Montana would comply with the law in the best interests of our universities and student athletes. It is something that doesn't occur a great deal in Montana, but this law and this bill is costing the state. Twenty-three states, possibly more, have enacted this type of legislation. Amendments were distributed for the bill, **EXHIBIT (bus31a05)** (SB030601.aem). He then opened the floor to the experts on the subject.

Proponents' Testimony:

James Bandy, Assistant Athletic Director for Compliance at the University of Montana, told the committee he was present to speak in support of SB 306. He knew of one athlete agent actively working in the state and believed there are maybe half a dozen interested in doing so. He expressed his belief that the way the system works in Montana is very different from his previous positions in other states. This bill would require agents who wish to represent student athletes to register and disclose certain pieces of information similar to the UAA. He said it worked very well when he was in Texas. The sports agent who is doing things legitimately and the right way should have no problems with this act. It may cost the agent a little bit of money, but that is the cost of doing business. The primary reason for this act was to protect the interests of the student athlete and the institutions. He encouraged the committee to approve the bill.

Opponents' Testimony: None

Informational Witnesses:

Mark Cadwallader, Department of Labor, stated he was present for any technical questions the committee may have.

Questions from Committee Members and Responses:

SEN. KELLY GEBHARDT asked **SEN. RYAN** if this bill is the sort of thing where a student uses an agent to look for a college for him while he is still in high school. **SEN. RYAN** said we are dealing with the people at the university that are excellent athletes and somebody takes a look at them. You know he has some potential and this bill would make sure that student is protected as well as the university.

SEN. VICKI COCCHIARELLA asked **Mr. Bandy** if an agent she knows of in Missoula would be grand fathered in with this bill to which **Mr. Bandy** replied there is no such grand fathering relative to this bill. He shared that 28 states have passed this particular piece of legislation. There are several other states that, while they have not passed this particular piece, have their own legislation regarding this issue. He stated that one thing common in every piece of legislation is if someone wishes to act as an athlete agent and wants to represent student athletes, they have to register with the state. In response to **SEN. COCCHIARELLA'S** question regarding where someone gets their training, **Mr. Bandy** said there is no formal training; however, various players associations of the NBA and NFL have certain requirements an agent must have in order to negotiate a contract on behalf of athletes.

Mr. Cadwallader responded to **SEN. GLENN ROUSH** that the amendments proposed would put the registration function under the Department of Labor and not the Board of Athletics. The Board of Athletics deals primarily with wrestling and boxing. The bill specifically talks about professional sports within the definition of the bill.

{Tape: 4; Side: A}

CHAIRMAN DALE MAHLUM commented to **Mr. Bandy** that Montana probably has one athlete between the university systems that could go to the pros. **Mr. Bandy** confirmed that information. **CHAIRMAN MAHLUM** continued on to say that with the exception of Kentucky, this agent does not have to pay a fee in other states and asked why Montana doesn't just have him sign up as an agent instead of having to procure a charge against him. He also discussed agents from other states coming into Montana and signing a student athlete and slipping out of the state without paying any fee. **Mr. Bandy** replied there is no penalty for doing so. It is subject to NCAA legislation.

Closing by Sponsor:

SEN. RYAN commented on the number of other leagues and types of athletics this legislation would protect and reiterated the importance of universities knowing an agent is registered in the state of Montana before letting him onto their campuses.

SEN. VICKI COCCHIARELLA submitted a letter, **EXHIBIT (bus31a06)**, requesting that the committee table SB 324 without a hearing due to a drafting error that could not be corrected with amendments.

EXECUTIVE ACTION ON HB 334

Motion: **SEN. COCCHIARELLA** moved that SB 334 BE ADOPTED AS AMENDED, **EXHIBIT (bus31a07)** (SB033401.aem).

Discussion: Eddye McClure, Legislative Staffer, explained the amendments.

Vote: Motion carried 10-0.

EXECUTIVE ACTION ON HB 198

Motion: **SEN. HANSEN** moved that SB 198 BE ADOPTED AS AMENDED.

Discussion: SEN. ANDERSON expressed his thoughts that, with everything done to the bill, there was nothing left and it doesn't have any validity to it. SEN. ROUSH asked SEN. GEBHARDT his analysis of what was left of the bill due to the fact he is a former county commissioner and had some concerns regarding notification to the counties. SEN. GEBHARDT thought it provides for some notification and that SEN. ANDERSON made a good point.

Substitute Motion/Vote: SEN. ANDERSON made a substitute motion that SB 198 BE INDEFINITELY POSTPONED. Substitute motion failed 2-8 with ANDERSON and SPRAGUE voting aye.

Motion/Vote: SEN. HANSEN moved that SB 198 BE ADOPTED AS AMENDED, EXHIBIT(bus31a08) (SB019801.aem). Motion carried 6-4 with ANDERSON, COCCHIARELLA, GEBHARDT and SPRAGUE voting no.

ADJOURNMENT

Adjournment: 11:42 A.M.

SEN. DALE MAHLUM, Chairman

SHERRIE HANDEL, Secretary

DM/SH

EXHIBIT (bus31aad)